Hovsepian v. Apple, Inc. Doc. 186

COUNSEL LISTED ON SIGNATURE PAGES

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

In re ACACIA MEDIA TECHNOLOGIES CORPORATION	Case No. 05 CV 01114 JW MDL No. 1665 **JOINT CHART OF THE PARTIES' PROPOSED DEFINITIONS FOR CLAIM TERMS FROM THE '863 AND '720 PATENTS AND FROM THE '992 PATENT THAT THE COURT HAS ALREADY CONSTRUED** **DATE:** September 7-8, 2006 **TIME:** 9:00 A.M. **CTRM:** Hon. James Ware

The parties to this action hereby submit the attached chart showing each party's currently proposed constructions for the claim terms of the '863 and '720 patents and the claim terms from the '992 patent that the Court has already construed to be addressed in the parties' legal briefs and at the September 7-8, 2006 Markman hearing.

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The attached chart has three columns – one showing Plaintiff Acacia's proposed constructions, one showing the proposed constructions of the Round 2 defendants,[1] and one showing the proposed constructions of the Round 3 New York defendants.[2], [3]

[1] For the purposes of the issues involving the '863 and '720 patents, the Round 2 Defendants are the Cable and Satellite defendants whom Acacia sued in the first two rounds of complaints. The Round 2 Defendants are: Comcast Cable Communications, LLC; The DIRECTV Group, Inc.; EchoStar Satellite LLC; EchoStar Technologies Corp.; Charter Communications, Inc.; Armstrong Group; Block Communications, Inc.; East Cleveland Cable TV and Communications LLC; Wide Open West Ohio LLC; Massillon Cable TV, Inc.; Mid-Continent Media, Inc.; US Cable Holdings LP; Savage Communications, Inc.; Sjoberg's Cablevision, Inc.; Loretel Cablevision; Arvig Communications Systems; Cannon Valley Communications, Inc.; NPG Cable, Inc.; Cable One, Inc.; Mediacom Communications Corp.; Bresnan Communications; Cequel III Communications I, LLC (dba Cebridge Connections); Coxcom, Inc.; Hospitality Network, Inc., and Cable America, Inc. Although Defendants Insight Communications, Inc. and Bresnan Communications were sued in Round 3, they are joining the Rounds 1 and 2 Defendants' proposed constructions. Acacia is not asserting the '863 and '720 patents against the Round 1 defendants (the Internet defendants), which includes New Destiny Internet Group LLC; Audio Communications, Inc.; VS Media Inc.; Ademia Multimedia LLC; Adult Entertainment Broadcast Network; Cyber Trend Inc.; Lightspeed Media Group, Inc.; Adult Revenue Services; Innovative Ideas International; Game Link Inc.; Club Jenna Inc.; Global AVS Inc.; ACMP LLC; Cybernet Ventures Inc.; National A-1 Advertising Inc.; and AEBN, Inc; International Web Innovations, Inc., Offendale Commercial BV, AskCS.com. Accordingly, the Internet defendants have not participated in the preparation of this chart and have no position on the construction of any claim terms that pertain only to '863 and '720 patents. Likewise, the Rounds 2 and 3 Cable Defendants take no position on the construction of any claim terms that pertain only to the '720 patent since that patent has not been asserted against those parties.

[2] The Round 3 Defendants, which were added to this MDL Proceeding on February 23, 2006, are two of the cable company defendants whom Acacia sued in New York in the third round of complaints: Time Warner Cable Inc. and CSC Holdings, Inc.

[3] Each defendant proposes definition of terms or limitations which are recited in claims asserted against it. Acacia and each defendant reserves the right to seek construction of additional claim terms, or propose a new construction of terms and limitations listed herein, should Acacia be permitted to assert additional claims against each defendant in the future.

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Patent Claim Term	Acacia's Proposed Definitions	Round 2 Defendants	Round 3 Defendants
1. "transmitting compressed, digitized data representing a complete copy of at least one item of audio/video information at a non-real time rate from a central processing location" '863 patent – 14 '720 patent – 8 "wherein the transmitting step comprises" '863 patent – 14	The phrase "compressed, digitized data representing a complete copy of at least one item of audio/video information" means that the data is a reproduction of at least one entire item of audio/video information in a compressed, digitized data form. The term "central processing location" does not require construction, however, it may be described as the principle position or site where processing occurs. The phrase in claim 14 "wherein the transmitting step comprises" refers to the step of "transmitting compressed, digitized data . . .". The use of the open-ended transitional phrase "comprising" means that the transmitting step includes, but is not limited to, the "inputting. . .," "assigning . . .," "formatting . . .," "compressing . . .," "storing, . . .," and "sending . . ." steps listed thereafter and described below as Term Nos. 2-7.	**Central Processing Location:** Indefinite. (The Round 2 Defendants contend that "central processing location" is indefinite in each claim in which it is used: Claims 14, 17 of the '863 and Claims 8, 11 of the '720 patents). **"transmitting . . . from a central processing location":** This phrase does not require construction. **Representing a complete copy of at least one item of audio/video information:** Indefinite.	"Central Processing Location" means: The single (one and only one) location of the transmission system, at which all of the processing of audio/video information by the transmission system is exclusively performed and from which a plurality of "local distribution systems" directly and exclusively receive processed audio/video information. The step of "transmitting compressed, digitized data representing a complete copy of at least one item of audio/video information at a non real time rate" to at least one "local distribution system" must be exclusively performed at this single central processing location, as must the following steps: "inputting an item having information into the transmission system;" "assigning a unique identification code to the item having information;" "formatting the item having information as a sequence of addressable data blocks;" "compressing the formatted and sequenced data blocks;" "storing, as a file, the compressed, formatted, and sequenced data blocks with the assigned unique identification code;" and "sending at least a portion of the file at the non-real time rate to the local distribution system." **In addition:** "a complete copy of at least one item of audio/video information" means a copy of all

Patent Claim Term	Acacia's Proposed Definitions	Round 2 Defendants	Round 3 Defendants
			of the audio/video information that is contained on one physical item. "compressed, digitized data" means the compressed and sequenced addressable data blocks. [See construction 29 of "sequence of addressable data blocks" below; see construction 5 of "local distribution system" below]
2. "inputting an item having information into the transmission system" '863 patent – 14, 17	The phrase "inputting an item having information into the transmission system" means the act of providing an item having information to the transmission system. The term "transmission system" has already been construed by the Court to mean "an assembly of elements, hardware and software, that function together to convert items of information for storage in a computer compatible form and subsequent transmission to a reception system." In the context of claims 14 and 17 of the '863 patent, the subsequent transmission is to the local distribution system. The transmission system therefore is the system in which the steps of "inputting," "assigning," "formatting," "compressing," "storing," and "sending" occur.	The phrase "inputting an item having information into the transmission system" in Claims 14 and 17 of the '863 patents is indefinite.	Placing a physical object containing audio/video information into the source material library of the transmission system. "The transmission system" must be contained at one, and only one, location. The location of "the transmission system" is the "central processing location." [See construction 22 of "transmission system" below]
3. "assigning a unique identification code to the item having information"	The phrase "assigning a unique identification code to the retrieved information" has already been construed by the Court in the context of claims 1 and 41 of the '992 patent to mean "assigning a one-of-a-kind identifier	In the context of claims 14 and 17 of the '863 patent, the one-of-a-kind identifier is assigned to the item having information. In the context of claim 14 of the '863 patent, this phrase means that the one-of-a-kind	"Assigning a unique identification code to the item having information" means "assigning a one-of-a-kind identifier to the item having information that identifies the item." This step must be performed by the

Patent Claim Term	Acacia's Proposed Definitions	Round 2 Defendants	Round 3 Defendants
'863 patent – 14, 17	to the information retrieved from an item that identifies the retrieved information through the conversion, ordering, compression, and storing processes." In the context of claims 14 and 17 of the '863 patent, the identifier is assigned to the item having information. In the context of claim 14 of the '863 patent, this phrase means that the identifier identifies the information through the formatting, compressing, and storing processes. In the context of claim 17 of the '863 patent, this phrase means that the identifier identifies the information through the formatting and compressing processes.	identifier identifies the item having information through the formatting, compressing, and storing processes. In the context of claim 17 of the '863 patent, this phrase means that the one-of-a-kind identifier identifies the item having information through the formatting and compressing processes.	identification encoder of the transmission system, and the identification encoder must also transform the information in the items into an analog or digital format. [See construction 25 of "items having information" below]
4. "formatting the item having information as a sequence of addressable data blocks" '863 patent – 14, 17	The phrase "formatting the item having information as a sequence of addressable data blocks" means the act of converting the format of the information from the item and placing the formatted information into time encoded data blocks.	The phrase "formatting the item having information as a sequence of addressable data blocks" means converting the format of the item into a sequence of addressable data blocks.	"Formatting the item having information as a sequence of addressable data blocks" means "operating on the physical object itself to create a sequence of addressable data blocks." [See construction 29 of "sequence of addressable data blocks" below.]
5. "receiving the transmitted compressed, digitized data representing a complete copy of the at least one item of	The phrase "receiving the transmitted compressed, digitized data representing a complete copy of the at least one item of audio/video information, at a local distribution system, remote from the central processing location" means the act of	The term "representing" is indefinite. **Local Distribution System:** Satellite Defendants:[4]	The Round 3 defendants agree with Acacia's construction of "local distribution system" as "an assembly of elements, hardware and software, that function together to receive transmitted data, store the data, decompress the data, and transmit the data to at least one

[4] Defendants EchoStar Satellite LLC, EchoStar Technologies Corporation, and The DIRECTV Group, Inc. contend that "local distribution system" should be construed according to the above proposed construction. The other Round 1 & 2 Defendants contend that the phrase is indefinite.

Patent Claim Term	Acacia's Proposed Definitions	Round 2 Defendants	Round 3 Defendants
audio/video information, at a local distribution system, remote from the central processing location" '863 patent – 14, 17 '720 patent – 8, 11	receiving the reproduction of at least one entire item of audio/video information in a compressed, digitized data form at a local distribution system. The local distribution system is an assembly of elements, hardware and software, that function together to receive transmitted data, store the data, decompress the data, and transmit the data to at least one subscriber receiving station.	An assembly of elements, hardware and software, at a local geographic region (such as a town or city), functioning together to receive, store, decompress, and transmit audio and video information to subscriber receiving stations[5] confined to that same local geographic region. Round 1 & 2 Cable Defendants: Indefinite	subscriber receiving station."
6. "storing the received compressed digitized data representing the complete copy of the at least one item at the local distribution system" '863 patent – 14, 17 '720 patent – 8, 11	The phrase "storing the received compressed digitized data representing the complete copy of the at least one item at the local distribution system" means "storing a copy such that all of the received data is in storage at the same time."	The phrase "storing . . . the complete copy of the at least one item" means "storing a copy such that all of the received data is in storage at the same time."	All of the received compressed, sequenced addressable data blocks representing the complete copy of the at least one item is in the same storage device in the local distribution system at the same time. [See construction 29 of "sequence of addressable data blocks" below.]
7. "in response to the stored compressed, digitized data, transmitting a representation of the at least one item at a real-time rate. . ." '863 patent – 14	The phrase "transmitting a representation of the at least one item" means the act of transmitting a reproduction of the item. In the context of claim 14 of the '863 patent, the "representation of the at least one item" means that the reproduction of the item is in a decompressed format. The phrase "in response to the stored compressed, digitized data" means that the	The phrase "in response to the stored compressed, digitized data" means that information in the stored, compressed digitized data triggers the transmission. **Representation:** Indefinite. (The Round 2 Defendants contend that "representation" is indefinite in each claim in which it is used: Claims 14 and 17 of	Information in the "stored compressed, digitized data" triggers the local distribution system to send "a representation of the at least one item at a real-time rate to at least one of a plurality of subscriber receiving stations."

[5] Defendants contend that the phrase "subscriber receiving stations" is otherwise indefinite.

Patent Claim Term	Acacia's Proposed Definitions	Round 2 Defendants	Round 3 Defendants
'720 patent – 8	representation of the item is transmitted after all of the compressed, digitized data has been stored at the local distribution system.	the '863 and Claims 4, 8, and 11 of the '720 patents).	
8. "at least one of a plurality of subscriber receiving stations coupled to the local distribution system" '863 patent – 14	The term "subscriber receiving station" means "a subscriber's assembly of elements, hardware and software, capable of functioning together to receive a representation of an item of audio/video information." The term "coupled to" has already been construed by the Court to mean that two elements are directly attached to one another such that using a diskette to transfer information from one to another would mean that the two elements are not "coupled to" one another.	**"Subscriber Receiving Stations":** Indefinite. (The Round 2 Defendants contend that "subscriber receiving station" is indefinite in each claim in which it is used: Claims 14 and 17 of the '863 patent).	A "subscriber receiving station" is a subscriber device on which playback can occur - a device which itself can display video content or play audio content directly to a user, such as a television or radio. The Court has previously construed "coupled to" to mean "directly connected to or attached to." One example the Court gave as evidencing that two elements are not "coupled to" each other is the need to use a disk to transfer information from one to the other. [See, Markman I at 22-23.]
9. "decompressing the compressed, digitized data representing the at least one item of audio/video information after the transmission step wherein the decompressing step is performed in the local distribution system to produce the representation of the at least one item for transmission to the at least one subscriber	The phrase "decompressing the compressed, digitized data representing the at least one item of audio/video information after the transmission step wherein the decompressing step is performed in the local distribution system to produce the representation of the at least one item for transmission to the at least one subscriber station" does not require construction, however, it may be described as the act of expanding compressed data. It is the stored compressed, digitized data that was received and stored by the local distribution system that is decompressed.	Indefinite.	The "compressed, digitized data" is decompressed in the local distribution system to produce the "representation" which is then sent to "the at least one subscriber station" in uncompressed digital form.

Patent Claim Term	Acacia's Proposed Definitions	Round 2 Defendants	Round 3 Defendants
station" '863 patent – 14			
10. "wherein the inputting step comprises inputting the item having information as blocks of digital data." '863 patent – 15, 18	The phrase "wherein the inputting step comprises inputting the item having information as blocks of digital data" means that the item having information that is input into the transmission system includes, but is not limited to, blocks of digital data.	Indefinite.	Indefinite.
11. "wherein the inputting step comprises inputting the item having information as an analog signal; and converting the analog signal to blocks of digital data" '863 patent – 16, 19	The phrase "wherein the inputting step comprises inputting the item having information as an analog signal and converting the analog signal to blocks of digital data" means that the item having information that is input into the transmission system includes, but is not limited to, an analog signal. Claims 16 and 19 add the step, to claims 14 and 17, respectively, that the analog signal is converted to blocks of digital data.	Indefinite.	Indefinite.
12. "formatting items of audio/video information as compressed digitized data at a central processing location" "wherein the formatting step comprises"	The term "central processing location" does not require construction; however, it may be described as the principle position or site where processing occurs. The phrase "wherein the formatting step comprises" refers to the step of "formatting items of audio/video information. . ." The use of the open-ended transitional phrase "comprising" means that the formatting step includes, but is not limited to, the "inputting.	**Central Processing Location:** Indefinite. (The Round 2 Defendants contend that "central processing location" is indefinite in each claim in which it is used: Claims 14, 17 of the '863 and Claims 8, 11 of the '720 patents).	"Central Processing Location" means: The single (one and only one) location of the transmission system, at which all of the processing of audio/video information by the transmission system is exclusively performed and from which a plurality of "local distribution systems" directly and exclusively receive processed audio/video information. The step of "formatting items of audio/video information as compressed digitized data"

Patent Claim Term	Acacia's Proposed Definitions	Round 2 Defendants	Round 3 Defendants
'863 patent -- 17	. .," "assigning . . .," "formatting . . .,"and "compressing . . ." steps listed thereafter and described above as Term Nos. 2-5.		must be exclusively performed at this single central processing location, as must the following steps: "transmitting compressed, digitized data representing a complete copy of at least one item of audio/video information" to the "local distribution system"; "inputting an item having information into the transmission system"; "assigning a unique identification code to the item having information"; "formatting the item having information as a sequence of addressable data blocks;" and "compressing the formatted and sequenced data blocks." **In addition:** "compressed, digitized data" means the compressed, sequence of addressable data blocks [defined below]. The audio/video information from the item is examined to determine if it is in analog or digital form. If the audio/video information in the item is in analog form, it is converted into digital form and then compressed. If the audio/video information in the item is already in digital form, then it is compressed. The "digitization" of analog information occurs before the "sequence of addressable data blocks" are created, but after the step of "inputting an item having information into the transmission system."

Patent Claim Term	Acacia's Proposed Definitions	Round 2 Defendants	Round 3 Defendants
			[See construction 5 of "local distribution system" above]
13. "transmitting compressed, digitized data representing a complete copy of at least one item of audio/video information from a central processing location" '863 patent – 17	The term "compressed, digitized data representing a complete copy of at least one item of audio/video information" means that the data is a reproduction of at least one entire item of audio/video information in a compressed, digitized data form.	Indefinite.	Sending the compressed, sequence of addressable data blocks representing a copy of all of the audio visual information of the at least one physical object from the transmission system at the central processing location [See construction 29 for "sequence of addressable data blocks" below; see construction 12 for "central processing location" above]
14. "using the stored compressed, digitized data to transmit a representation of the at least one item to at a plurality of subscriber receiving stations coupled to the local distribution system" '863 patent – 17 '720 patent – 11	The phrase "using the stored compressed, digitized data to transmit a representation of the at least one item" means that a reproduction of the item is transmitted. The stored, compressed digitized data that was received and stored in the local distribution system (in the prior two steps) is employed for transmitting the representation of the item. The phrase "to transmit a representation of the at least one item to at a plurality of subscriber receiving stations" means that a representation of the at least one item is transmitted such that it is received by a plurality of subscriber receiving stations. The term "subscriber receiving station" means "a subscriber's assembly of elements, hardware and software, capable of functioning together to receive the	The phrases "using the stored compressed, digitized data to transmit . . . " and "subscriber receiving stations" are indefinite in each of the claims in which they are used.	Indefinite.

Patent Claim Term	Acacia's Proposed Definitions	Round 2 Defendants	Round 3 Defendants
	representation of the item of audio/video information." The term "coupled to" has already been construed by the Court to mean that two elements are directly attached to one another such that using a diskette to transfer information from one to another would mean that the two elements are not "coupled to" one another.		
15. The order of the steps of claims 14 and 17 of the '863 patent and claims 8 and 11 of the '720 patent.	The parties agree that the steps of Claims 14 and 17 of the '863 patent and Claims 8 and 11 of the '720 patent are performed in the order recited in each claim. Acacia maintains that there is no limitation that any step of these claims begins and occurs only after a prior step or steps have been completed.	The parties agree that the steps of Claims 14 and 17 of the '863 patent and Claims 8 and 11 of the '720 patent are performed in the order recited in each claim. The Round 2 Defendants maintain that the steps of these claims begin and occur only after a prior step or steps have been completed.	The parties agree that the steps of Claims 14 and 17 of the '863 patent and Claims 8 and 11 of the '720 patent are performed in the order recited in each claim. The Round 3 Defendants maintain that the steps of these claims begin and occur only after a prior step or steps have been completed.
16. "subscriber selectable receiving stations" '720 patent – 4, 8, and 11	The term "subscriber selectable" means that the subscriber is presented with the option of choosing, from among the plurality of receiving systems, the receiving station to which the information is transmitted. The term "receiving station" means "a subscriber's assembly of elements, hardware and software, capable of functioning together to receive the representation of an item of	Claim 4: "subscriber selectable" means the reception system provides the subscriber with a choice, from among the plurality of receiving stations,[6] of the receiving station or stations to which the information is transmitted. Claims 8 and 11: "subscriber selectable" means the local distribution system provides	

[6] Defendants contend that the phrase "subscriber receiving stations" is otherwise indefinite.

Patent Claim Term	Acacia's Proposed Definitions	Round 2 Defendants	Round 3 Defendants
	audio/video information."	the subscriber with a choice, from among the plurality of receiving stations,[7] of the receiving station or stations to which the information is transmitted.	
17. "means, responsive to the stored, compressed digitized data, for transmitting a representation of the at least one item of audio/video information at a real-time rate to at least one of the plurality of subscriber selectable receiving stations" '720 patent – 4	Construed pursuant to 35 U.S.C. § 112, ¶ 6 – a transmitter, transceiver, cable television transmitter, modem, broadcast television transmitter, data coupler, satellite transmitter, (See, e.g., reference nos. 122, 200d) and all equivalents. The phrase "responsive to the stored compressed, digitized data" means that the means for transmitting only performs the function of transmitting after all of the compressed digitized data has been stored.	Function: Information in the stored, compressed digitized data triggers the transmission of a representation of the at least one item of audio/video information at a real-time rate to at least one of the plurality of subscriber selectable receiving stations Structure: Indefinite for lack of corresponding structure. The phrase "responsive to the stored compressed, digitized data" means that information in the stored, compressed digitized data triggers the transmission.	
18. "means for inputting items of audio/video information" '720 patent -- 7	Construed pursuant to 35 U.S.C. § 112, ¶ 6 -- analog input receiver (127) and/or a digital input receiver (124), and all equivalents.	Function: Inputting items of audio/video information. Structure: Indefinite for lack of corresponding structure.	
19. "conversion means for placing each item of audio video information into a predetermined format	Construed pursuant to 35 U.S.C. § 112, ¶ 6 – an analog audio converter (123a), an analog video converter (123b), a digital audio formatter (125a) and/or a digital video formatter (125b), and all equivalents.	Function: Placing each input item of audio and/or visual information into a predetermined format as formatted data. Structure: Converter 113	

[7] Defendants contend that the phrase "subscriber receiving stations" is otherwise indefinite.

Patent Claim Term	Acacia's Proposed Definitions	Round 2 Defendants	Round 3 Defendants
as formatted data" '720 patent – 7			
20. "transmitter means for sending compressed formatted data for the at least one item of audio/video information at the non-real time rate to the reception system" '720 patent – 7	The term "transmitter" is sufficient structure to perform the claimed function and therefore overcome the presumption of 35 U.S.C. § 112, ¶ 6. If construed pursuant to 35 U.S.C. § 112, ¶ 6 – a transmitter, transceiver, cable television transmitter, modem, broadcast television transmitter, data coupler, satellite transmitter, and all equivalents.	Function: Sending compressed formatted data for the at least one item of audio/video information at the non-real time rate to the reception system Structure: Transceiver/transmitter 122 in Figure 2b.	
21. ". . . transmitting, using a **transmitting means**, a representation of the at least one item at a real-time rate to at least one of a plurality of subscriber selectable receiving stations." '720 patent – 8, 11	The "transmitting means" is construed pursuant to 35 U.S.C. § 112, ¶ 6 – a transmitter, transceiver, cable television transmitter, modem, broadcast television transmitter, data coupler, satellite transmitter, and all equivalents.	Function: Transmitting data at a real-time rate to at least one of a plurality of subscriber selectable receiving stations. Structure: Transceiver/transmitter 122 in Figure 2b.	
22. "transmission system" '992 patent – 19, 41, and 47 '275 patent – 2, 5	The term "transmission system" has already been construed by the Court to mean "an assembly of elements, hardware and software, that function together to convert items of information for storage in a computer compatible form and subsequent transmission to a reception system."		A "transmission system" is a system as depicted in Fig. 2 (2a and 2b) of the Yurt patents. A "transmission system" must include the following components, interconnected in the order identified: a source material library (element 111 of Fig. 2a); an identification encoder (element 112 of Fig. 2a); a conversion means (element 113 of Fig.

Patent Claim Term	Acacia's Proposed Definitions	Round 2 Defendants	Round 3 Defendants
			2a); a time encoder (element 114 of Fig. 2a); a pre compression processor (element 115 of Fig. 2a); a compressor (element 116 of Fig. 2a); a compressed data storage means (element 117 of Fig. 2a); a compressed data library (element 118 of Fig. 2b); a transmission format means (element 119 of Fig. 2b); and a transceiver or transmitter (element 122 of Fig. 2b). [See construction 24 for "source material library" below]
23. "reception system" '275 patent – 2, 5	The term "reception system" has already been construed by the Court in the context of the claims of the '702 patent to mean "an assembly of elements, hardware and software, that function together to receive items of information." In addition to the Court's construction, as used in claims 2 and 5 of the '275 patent, the reception system also stores and plays back information. "Play back" is the process of providing signals comprising video and/or audio information, wherein the signals can be displayed and/or heard on a device, such as an audio amplifier and/or television, or recorded. In addition to the Court's construction, as used in claim 4 of the '720 patent, the reception system also stores and transmits audio/video information.		A "reception system" is a system which receives information, either electronically or optically, directly from a transmission system.

Patent Claim Term	Acacia's Proposed Definitions	Round 2 Defendants	Round 3 Defendants
24. "storing items having information in a source material library" '992 patent – 41	The phrase "storing items having information in a source material library" has already been construed to mean "adding items having information to a collection of existing materials." Acacia contends that this phrase should be construed as "adding items having information to a collection of existing materials and maintaining the items having information in the collection."	The Round 2 defendants object to Acacia's attempt to seek reconsideration of this term.	A "source material library" is a device which i) stores different types of physical objects containing information, including but not limited to audio recordings, still pictures, files of documents, books, computer tapes, computer disks, documents of various sorts, musical instruments, and other physical objects; and ii) is capable of automatically transferring a physical item containing information to an identification encoder in response to an electronically-received request which identifies the physical item containing information. A source material library must be capable of performing this function with physical items of any of the media types described in (i) above. "Storing items" means "adding physical objects to an existing collection."
25. "items containing information" (and the related term "items having information") '992 patent – 19, 41 '275 patent – 2, 5	The phrase "items containing (or having) information" has already been construed by the Court to mean "items containing information in analog or digital form." The term "item" means "thing" and therefore the Court's construction means "things containing information in analog or digital form."		"Items having information" are physical objects containing information.
26. "remote locations"	The term "remote locations," as used in claim 41, has already been construed by the		"Remote location" means: positions or sites distant in space from both the transmission

Patent Claim Term	Acacia's Proposed Definitions	Round 2 Defendants	Round 3 Defendants
'992 patent – 41	Court to mean "positions or sites distant in space from the transmission system."		system and from any other remote location.
27. "retrieving the information in the items from the source material library" '992 patent – 41	The phrase "retrieving the information in the items from the library means" has already been construed by the Court to mean "to get back the information that is contained in the items which are stored in the source material library." The term "source material library" has already been construed by the Court to mean "a collection of existing materials."		An electronically transmitted request, which identifies the physical object containing information, is sent to the source material library. This request causes the source material library to automatically transfer the physical object to the identification encoder, which extracts the information from the physical object.
28. "assigning a unique identification code to the retrieved information" '992 patent – 41	The phrase "assigning a unique identification code to the retrieved information" has already been construed by the Court to mean "assigning a one-of-a-kind identifier to the information retrieved from an item that identifies the retrieved information through the conversion, ordering, compression, and storing processes."		"Assigning a unique identification code to the retrieved information" means "assigning a one-of-a-kind identifier to the information retrieved from an item that identifies the retrieved information through the conversion, ordering, compression, and storing process." This step must be performed by an identification encoder, and the identification encoder must also transform the information in the items into an analog or digital format.
29. "placing the formatted data into a sequence of addressable data blocks" (and the related term "ordered data blocks")	The phrase "placing the formatted data into a sequence of addressable data blocks" has already been construed by the Court to mean the act of time encoding the formatted data blocks.		"Addressable" means that the storage location for each data block is known so that the transmission system can retrieve any individual data block by using its storage location. A "data block" is a unit of information consisting of

Patent Claim Term	Acacia's Proposed Definitions	Round 2 Defendants	Round 3 Defendants
'992 patent – 41			identification codes, data and error-checking codes. A "sequence" is an order. A "sequence of addressable data blocks" means an order of units of information (consisting of identification codes, data and error-checking codes) for which the storage location of each unit of information is known so that the transmission system can retrieve any individual unit of information by using its storage location.
30. "storing, as a file, the compressed, formatted, and sequenced data with the assigned unique identification code" '992 patent – 41	The phrase "storing, as a file, the compressed, formatted, and sequenced data with the assigned unique identification code" has already been construed by the Court to mean "storing, as a file, the compressed, formatted, and sequenced data blocks accompanied by its unique identification code."		"storing, in a single file, both (1) the compressed, formatted, and sequenced data; and (2) the unique identification code assigned to (1).

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